

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:03-CR-428 (CEJ)
	)	
JOVAN MILLER,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court upon the motion of defendant Jovan Miller to reduce sentence pursuant to 18 U.S.C. § 3582(c)(2).

After pleading guilty to possession of cocaine base with intent to distribute, Miller was sentenced to a 60-month term of imprisonment and a 4-year term of supervised release. On December 3, 2009, the Court revoked Miller's supervised release term and sentenced him to a 14-month term of imprisonment. In his present motion, Miller seeks a reduction of his sentence, pursuant to § 3582(c)(2), based on the Sentencing Commission's adoption of Amendment 706, which lowered the base offense level for cocaine base crimes.

"The Sentencing Commission has clearly stated that only defendants imprisoned as a result of an 'original' sentence qualify for a 18 U.S.C. § 3582(c)(2) sentence reduction." United States v. Forman, 553 F.3d 585, 588-9 (7th Cir. 2009). Miller argues that the 14-month sentence on revocation of his supervised release term is "simply part of the whole matrix of punishment" for his original cocaine base offense, and that he is therefore entitled to a reduction. Application Note 4(A) to § 1B1.10 of the U.S. Sentencing Guidelines anticipates and forecloses that argument:

**4. Supervised Release.-----**

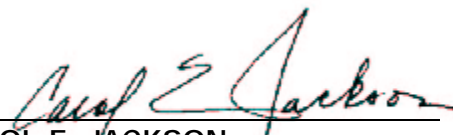
**(A) *Exclusion Relating to Revocation.*-----Only a term of imprisonment imposed as part of the original sentence is authorized to be reduced under this section. This section does not authorize a reduction in the term of imprisonment imposed upon revocation of supervised release.**

U.S.S.G § 1B1.10, Application Note 4(A).

The foregoing makes clear that Miller is not entitled to relief on the claim he asserts in his motion.

Accordingly,

**IT IS HEREBY ORDERED** that the motion of defendant Jovan Miller to reduce sentence pursuant to 18 U.S.C. § 3582(c)(2) [Doc. # 66] is **denied**.

  
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CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE

Dated this 20th day of October, 2010.